

1
2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

3 **RESOLUTION NO. 2008- 723**

4
5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
6 **MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO INTERVENE OR**
7 **APPEAR AS AMICUS CURIAE, PURSUE ANY AND ALL APPROPRIATE DEFENSES**
8 **OR RELIEF, AND TAKE ALL APPROPRIATE ACTION STAFF DEEMS NECESSARY**
9 **TO PROTECT THE DISTRICT'S INTERESTS, SUBJECT TO APPROVAL OF THE**
10 **EXECUTIVE DIRECTOR, IN JUDICIAL CHALLENGES TO THE UNITED STATES**
11 **ENVIRONMENTAL PROTECTION AGENCY'S NATIONAL POLLUTANT DISCHARGE**
12 **ELIMINATOIN SYSTEM (NPDES) WATER TRANSFERS RULE, AND PROVIDING AN**
13 **EFFECTIVE DATE.**

14
15 **WHEREAS**, Section 373.083(1) and 373.129, Florida Statutes, authorize the South
16 Florida Water Management District to sue and be sued.

17
18 **WHEREAS**, on June 13, 2008, the United States Environmental Protection Agency
19 ("EPA's) issued a final National Pollutant Discharge Elimination System (NPDES) Water
20 Transfers Rule that strongly supports the District's longstanding position that its water
21 control structures do not generally require additional Federal NPDES permitting.

22
23 **WHEREAS**, before EPA issued its Water Transfers Rule, various groups had sued
24 to require the District to obtain NPDES permits to operate certain water transfer facilities.
25 Two lawsuits are pending against the District in federal trial and appellate courts and
26 additional cases have been filed by the same Plaintiffs to challenge EPA's Rule.

27
28 **WHEREAS**, EPA's Water Transfers Rule is critical to the State's defense against
29 the improper imposition of the NPDES regime and its participation in challenges to the
30 Rule as an intervener party or amicus curiae would assist in the defense of the Districts'
31 interests.

32
33 **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**
34 **WATER MANAGEMENT DISTRICT:**

35
36 **Section 1.** The Governing Board of the South Florida Water Management District
37 hereby authorizes District staff to intervene or appear as amicus curiae, pursue any and all
38 appropriate defenses or relief, and take all appropriate action staff deems necessary to
39 protect the District's interests, subject to approval of the Executive Director, in judicial
40 challenges to the United States Environmental Protection Agency's National Pollutant
41 Discharge Elimination System (NPDES) Water Transfers Rule.
42

1 **Section 2** This resolution shall take effect immediately upon adoption.
2
3

4 **PASSED** and **ADOPTED** this 10 day of July 2008.
5

6 Approved:
7 Legal Form Approved
8

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT

9
10 By: *J. V. H.*
11

By: *[Signature]*
Chairperson

12 (Corporate Seal)

ATTEST:

13
14 By: *Jackie McGarty*
15 Assistant Secretary

